

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE:
DEHON, INC.

STEPHEN S. GRAY, as plan
administrator of Dehon, Inc.,
Plaintiff,

v.

BRIAN BARNETT et al.,
Defendants.

STEPHEN S. GRAY, as plan
administrator of Dehon, Inc.,
Plaintiff,

v.

BRIAN BARNETT et al.,
Defendants.

*
*
*
*
*
*
*
*

Civil Action No. 04-40056-JLT

*
*

*
*
*
*
*
*
*

Civil Action No. 04-40079-JLT

*
*

ORDER

January 25, 2005

TAURO, J.

This court hereby orders that:

1. The above-captioned cases are consolidated as Civil Action Number 04-40056, and all future filings must be identified as Civil Action Number 04-40056;
2. Jill Ker Conway and Paul E. Gray's Motion to Withdraw Reference and Defendants R. Schorr Berman, John W. Brown, Jerome H. Grossman, M.D., Pamela W. McNamara, Arno A. Penzias, and Gerhard Schulmeyer's Motion to

Withdraw Reference of Adversary Proceeding are ALLOWED to the extent that reference is withdrawn for the entire trial portion of the proceeding as to all counts against all Defendants;

3. Jill Ker Conway and Paul E. Gray's Motion to Withdraw Reference and Defendants R. Schorr Berman, John W. Brown, Jerome H. Grossman, M.D., Pamela W. McNamara, Arno A. Penzias, and Gerhard Schulmeyer's Motion to Withdraw Reference of Adversary Proceeding are otherwise DENIED WITHOUT PREJUDICE to asserting the right to a jury trial when the matter is ready for trial;
4. All pretrial proceedings, including determinations as to whether claims are considered core or non-core, will remain with the Bankruptcy Court;
5. The Bankruptcy Court shall be entitled to make final judgments with respect to pretrial dispositive motions for all core claims;
6. In regards to pretrial dispositive motions that affect non-core claims, the Bankruptcy Court shall provide this court with recommendations and proposed findings of fact and law; and
7. This court will enter final order or judgment on non-core claims after considering the Bankruptcy Judge's recommendations and reviewing *de novo* those matters to which any party has timely and specifically objected.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge